

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

KEVIN MICHAEL ELLIOTT,

Petitioner,

v.

JERI TAYLOR,

Respondent.

Case No. 2:15-cv-02131-CL

OPINION AND ORDER

MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Findings and Recommendation (“F&R”), ECF No. 77, and the matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Rule 8(b), Rules Governing Section 2254 Cases; Fed. R. Civ. P. 72(b). Petitioner timely filed objections to the F&R. ECF No. 79. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(C); Rule 8(b), Rules Governing Section 2254 Cases; *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude that the F&R is correct. Judge Clarke’s F&R is adopted in full. Consistent with Judge Clarke’s F&R, Petitioner’s Second Amended Petition for Writ of Habeas Corpus, ECF No. 21, is DENIED. I further decline to issue Petitioner a Certificate of Appealability pursuant to 28

U.S.C. § 2253(c)(1) on the basis that petitioner has not made a “substantial showing of the denial of a constitutional right,” as required by 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 26th day of April, 2019.

/s/ Michael McShane
Michael J. McShane
United States District Judge